

ORDINANCE NO. 16-

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE
CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 *Code of Alabama*, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

Section 1. Amend Article 92 - BOARD OF ADJUSTMENT, Section 92.5 - Powers and Duties, subsection 92.5.3(2) - Permitted Uses as Special Exceptions, by amending:

- (2) Off-Premises Beer/Table Wine Retailers in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Commercial Industrial Park, Light Industry, Research Park Commercial, Airport Commercial and Heavy Industry districts within five hundred (500) feet of a church.

In addition to any other required notice, an applicant for a special exception to locate within five hundred (500) feet of a church must notify such church via certified mail, return receipt requested, and provide proof of receipt to the Zoning Administration Office as a part of the special exception application.

to read as follows:

- (2) Off-Premises Beer/Table Wine Retailers in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Commercial Industrial Park, Light Industry, Research Park Commercial, Airport Commercial and Heavy Industry districts within five hundred (500) feet of a church.

In addition to any other required notice, an applicant for a special exception to locate within five hundred (500) feet of a church must notify such church via mail.

*Section 2. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, to amend
Section 92.5 - Powers and Duties, subsection 92.5.3(18) - Permitted
Uses as Special Exceptions, by amending:*

- (18) Expanded hours for on-premises retail sale, service, dispensing, or consumption of alcoholic beverage in a Neighborhood Business C-1 or C-2 district midnight and 2 a.m. provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:
- (b) Each year the licensee shall notify all residents within five hundred (500) feet by certified mail of the request at least two weeks prior to the date of the Board of Adjustment meeting.

to read as follows:

- (18) Expanded hours for on-premises retail sale, service, dispensing, or consumption of alcoholic beverage in a Neighborhood Business C-1 or C-2 district midnight and 2 a.m. provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:
- (b) Each year the licensee shall notify all residents within five hundred (500) feet by mail of the request at least ten (10) days prior to the date of the Board of Adjustment meeting.

*Section 3. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, to amend
Section 92.5 - Powers and Duties, subsection 92.5.3(33) - Permitted
Uses as Special Exceptions, by amending:*

- (33) Special Retailers as an accessory use to banquet halls or cultural venues where such uses are permitted in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Commercial Industrial Park and Research Park Commercial districts provided all of the following conditions are met in addition to any other conditions

that may be imposed by the Board of Adjustment:

- (c) The licensee shall notify all residents within five hundred (500) feet by certified mail of the request at least two weeks prior to the date of the Board of Adjustment meeting.

to read as follows:

- (33) Special Retailers as an accessory use to banquet halls or cultural venues where such uses are permitted in Neighborhood Business C-1, Neighborhood Business C-2, General Business C-3, Highway Business C-4, Commercial Recreation C-5, Light Industry, Heavy Industry, Commercial Industrial Park and Research Park Commercial districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

- (c) The licensee shall notify all residents within five hundred (500) feet by mail of the request at least ten (10) days prior to the date of the Board of Adjustment meeting.

Section 4. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, to amend Section 92.5 - Powers and Duties, subsection 92.5.3(36) - Permitted Uses as Special Exceptions, by amending:

- (36) Entertainment, as entertainment is defined herein, in restaurants, as restaurants are defined herein, located in Neighborhood Business C-1 and C-2 districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

- (b) Each year the licensee shall notify all residents within five hundred (500) feet by certified mail of the request at least two weeks prior to the date of the Board of Adjustment meeting.

to read as follows:

(36) Entertainment, as entertainment is defined herein, in restaurants, as restaurants are defined herein, located in Neighborhood Business C-1 and C-2 districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:

(b) Each year the licensee shall notify all residents within five hundred (500) feet by mail of the request at least ten (10) days prior to the date of the Board of Adjustment meeting.

Section 5. This ordinance shall take effect from and after the date of its publication.

ADOPTED this the _____ day of _____, 2016.

President of the City Council of
the City of Huntsville, Alabama.

APPROVED this the _____ day of _____, 2016.

Mayor of the City of Huntsville,
Alabama